

## **REMARKS**

### **Claim Status**

Claims 1-65 are pending in the application. This paper amends claims 3, 26, 29, 30, 33, 46, and 60. Claims 1, 31, 45, 60, 62, 64, and 65 are the independent claims of the application.

### **Amendment of Claims 3, 26, 33, 46, and 60**

Claims 3, 26, 33, 46, and 60 have been amended to clarify that depressing the scroll wheel is performed in a radial direction of the scroll wheel toward center of the scroll wheel. Support for this amendment may be found, *inter alia*, in Figures 9, 10, 11, and 12, which show scroll wheels 930, 1030, 1130, and 1230 slightly protruding in a radial direction from the outer shells 910, 1010, 1110, and 1210.

### **Art Rejections**

#### *Claims 1, 31, 45, 64, and 65*

The Office Action rejected claims 1, 2, 25, 29-32, 45, and 62-65 under 35 U.S.C. § 102(e) as being anticipated by Fraker *et al.*, U.S. Patent Number 5,919,239 ("Fraker" hereinafter). With respect to independent claims 1, 31, 45, 62, 64, and 65, the Office Action asserted that Fraker discloses

the claimed remote control transmitter for enabling a user to control remotely a security system the security system having a base unit with a communication module,

the remote control transmitter comprising: the display coupled to the processor to display information to the user under control of the processor (the remote portable TTL 120 or 220 includes a programmable processor 20 controls the information data related to a motor vehicle 106 operational parameters and security over the display 26 by an input keypad 24 and switches 230, 232, 240, 242 or 244, see Figs. 1-3, col. 4, lines 10-32 and col. 6, lines 16-67).

Office Action, pages 2-3. Thus it appears that the Office Action equates Fraker's Time/Location Logger or "TLL" with a "remote control transmitter for enabling a user to control remotely a security system . . . having a base unit with a communication module," as recited in claim 1 of the present application. Note, however, that Fraker does not disclose that the Time/Location Logger controls a *security system*. While the Time/Location Logger may be installed in a vehicle, its purpose appears to be primarily to capture and log "position and time-at-position information" of the vehicle, and, optionally, "operational data in accordance with various vehicle/engine operating parameters." See Fraker, the Abstract, for example. The Time/Location Logger is not a "security system" in the ordinary understanding of that expression.

In relation to apparatus, the word *security* means a "thing which protects or makes safe a thing or person; a protection, a guard, a defence." OXFORD UNIVERSITY PRESS, THE NEW SHORTER OXFORD ENGLISH DICTIONARY (CD-ROM ed. 1996); *accord*, MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY (Elec. Ed., Ver. 1.2, 1994-96) ("something that secures"). A *security system* is "an electrical device that sets off an alarm when someone tries to break in." Dictionary.com, available online at <http://dictionary.reference.com>. This definition is consistent with both (1) the ordinary understanding of the expression "security system," and (2) the use of this expression throughout the present application and in the patent documents incorporated by reference in the present application. In contrast, Fraker does not disclose that the Time/Location Logger "secures" the vehicle in which it is installed.

Although Fraker mentions “alarm conditions” and “security clearance” in passing, Fraker does not explain what these concepts mean in the context of Fraker’s invention. It appears, however, that “alarm conditions” may relate to the alarms generated as a result of monitoring engine operating parameters. For example, an “alarm” may result when the engine operating temperature exceeds a threshold. Of course, we do not know this for a fact, but this guess as to the meaning of Fraker’s “alarm conditions” is probably better than any other. Similarly, “security clearance” is likely related to the user’s authorization to use the Time/Location Logger for logging data, and/or to obtain the logged data from the Logger. Once again, we do not know this for a fact, but neither do we have any suggestion that would point to any other meaning of “security clearance” in that document.

Notably, Fraker does not mention a security system, any sensors a security system would need to have in order to secure the vehicle, or any parameters or signals monitored by such system. Fraker does not actually explain the meaning or relevance of “alarm conditions” and “security clearance,” or give any indication that these concepts relate to a security system. Fraker neither discloses a security system as such, nor suggests that the Time/Location Logger is used to secure the vehicle in which it is installed. Therefore, Fraker does not teach that the Time/Location Logger is a “security system” or a remote control of a security system.

Furthermore, it appears that Fraker’s Time/Location Logger does not perform *remote control* functions. Although the Time/Location Logger may include two transceiver sections (elements 42 and 70 in Figure 1A), neither of these devices is used for remotely controlling another device.

The first transceiver section 42 is a “differential radio signal transceiver section.” Fraker, col. 4, lines 66-67. It includes a transceiver 44. Fraker, col. 5, line 1. The transceiver section 42 is used to communicate with a differential fixed position GPS station 16. Fraker, col. 5, lines 8-11 (“system

10 further includes differential fixed position GPS station 16 operable to conduct one or two way communications with TLL 12 via differential radio signal transceiver section 42”). “Radio transceiver 44 provides the absolute position information relating to station 16 to processor 20 which then subtracts this information from corresponding absolute position information relating to TLL 12 to provide correctional data.” Fraker, col. 5, lines 34-38. The undersigned attorney understands this to mean that the transceiver section 42 and the transceiver 44 are used to receive position information from the fixed position GPS station 16 in order to improve position information of the Time/Location Logger 12. Thus, the transceiver section 42 and the transceiver 44 are not used to control another device, but rather to receive position information.

The second transceiver section 70 includes a radio transceiver 72. Fraker, col. 5, lines 52-53. The radio transceiver 72 communicates with radio transceiver 78 of a mobile command center 14, which is connected to command center 90. *E.g.*, Fraker, col. 6, lines 11-16. Fraker apparently does not disclose that the radio transceiver 72 is used to “control” the command center 14, the remote control center 90, or another remote device.

Independent claim 31 recites a remote *control* transmitter enabling a user to operate a base unit of a remote control *security system* installed in a vehicle. Independent claim 45 is directed to a remote *controller* for enabling a user to control a *security system* installed in a vehicle. Independent claims 64 and 65 recite a remote *controller* enabling a user to operate a base unit of a *security system* installed in a vehicle. Fraker fails to anticipate these claims at least for the reasons discussed above in relation to claim 1.

*Claim 62*

Independent claim 62 is directed to a menu-driven remote *control* for operating a *controlled* system over a wireless link. As discussed above, Fraker's Time/Location Logger is not a controller for *remotely controlling* another device. Moreover, Fraker does not disclose a *hand-held general-purpose computing device*, as is recited in this claim. Fraker fails to anticipate claim 62 at least for these reasons.

*Claim 60*

The Office Action rejected claims 60 and 61 under 35 U.S.C. § 102(e) as being anticipated by Goldenberg *et al.*, U.S. Patent Number 6,636,197 ("Goldenberg" hereinafter). In particular, the Office Action stated that Goldenberg teaches that the controller may be held in one hand, citing Figure 1 and column 4, lines 21-39. Figure 1, however, does not suggest any particular size of the controller or the knob 26. The cited text also does not require the controller to be of any particular size. More to the point, Goldenberg apparently does not disclose or suggest that the scroll wheel of the controller may be *rotated by the thumb of the same hand that is holding the controller*. At least for this reason, Goldenberg does not anticipate independent claim 60.

*Claims 4, 47, and 61*

Claims 4, 47, and 61 recite the limitation of displaying menu items *one at a time*. It appears that neither Fraker nor Goldenberg discloses or suggests displaying menu items one at a time. At least for this reason, claims 4, 47, and 61 should be patentable over the references.

*Claims 5 and 48*

Claim 5 recites the limitation of “wherein one of the menu items occupies no less than substantially half of the display area capable of displaying menu items,” and claim 48 recites a similar limitation. In rejecting these claims, the Office Action stated that the limitations in issue are taught in Figures 2 and 3 of Fraker, and in Figure 1 of Goldenberg. Fraker’s Figures 2 and 3 do not show any menu items on the display 26. As regards Goldenberg’s Figure 1, it is not clear whether any menu items are shown on the display 14, but it appears that each item on the display 14 is considerably smaller than half the display. It appears that neither Fraker nor Goldenberg discloses or suggests displaying one menu item that occupies no less than substantially half of the display area. At least for this reason, claims 5 and 48 should be patentable over the references.

*Claims 13, 35, and 52*

Claims 13, 35, and 52 recite limitations relating to screen inversion. It appears that neither Fraker nor Goldenberg discloses or suggests screen inversion. At least for this reason, claims 13, 35, and 52 should be patentable over the references.

*Claims 15 and 36*

According to claims 15 and 36, the scroll wheel is disposed on a sidewall of the outer housing and protrudes from the sidewall. It appears that neither Fraker nor Goldenberg discloses or

suggests such placement of the scroll wheel. At least for this reason, claims 15 and 36 should be patentable over the references.

*Claims 16-18, 20, 21, 37-39, 41, and 54*

These claims recite various size, weight, and pressure range limitations.

With respect to the selection of pressure needed to activate the internal switch, the Office Action asserted that this limitation “reads upon the haptic feedback scroll control knob.” Applicants respectfully traverse this rejection. If the specific pressure range is disclosed in one of the references, the disclosure should be pointed out. This has not been done. Official notice of this fact also was not taken. If this fact is considered to be so well-known as to be capable of instant and unquestionable demonstration, Applicants respectfully request that documentary evidence in support of this fact be provided in the next Office action. See MPEP § 2144.03(C). But at this point, the record does not indicate why a hypothetical person skilled in the art would have been motivated to select the pressure needed to activate the internal switch within the specific range claimed by Applicants.

With respect to the size limitation in claim 17, the Office Action asserted that this is a “designed choice . . . , which provides easier and convenience carried by a user.” Invocation of “design choice” does not obviate the need to provide sufficient reasoning in support of an obviousness rejection. To make a *prima facie* case of obviousness, the Office should provide reasoning why a specific feature is a “design choice” and therefore obvious. *See In re Chu*, 66 F.3d 292, 36 U.S.P.Q.2d 1089 (Fed. Cir. 1995). Such reasoning has not been provided here.

*Claim 26*

Claim 26 recites the limitation of displaying at least some information contained in the messages received from the communication module of the base unit. It appears that neither Fraker nor Goldenberg discloses or suggests this limitation. At least for this reason, claim 26 should be patentable over the references.

*Claim 30*

Regarding dependent claim 30, the Office Action stated that Fraker discloses at column 10, lines 24-49, “at least one icon determined by the code read by the processor from the input port, which reads upon the keypad 24 to mark log of particular locations read by the processor 20.” The undersigned attorney has reviewed Fraker, and specifically column 10, lines 24-49, but has not been able to identify a disclosure of displaying an icon determined by the code read by the processor from the input port. It should be noted that, in computing, an “icon” is a “small symbolic picture on a VDU screen.” OXFORD UNIVERSITY PRESS, *THE NEW SHORTER OXFORD ENGLISH DICTIONARY* (CD-ROM ed. 1996).

Furthermore, a user-operable keypad is not a port for downloading code or data. In the context of digital hardware, a port is “a hardware interface by which a computer communicates with another device or system.” MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY (Elec. Ed., Ver. 1.2, 1994-96). Consistent with the dictionary definition, the present application gives the following examples of ports: a custom serial data port; USB; RS232; wired network connection; wireless



network connection; memory storage reader device; receiver, transceiver, modem, or another communication interface device. Specification, paragraph 0059. In any event, claim 30 and claim 29 (from which claim 30 depends) have now been amended to clarify that the input port is a data port.

Applicants respectfully request that the conventional meaning of “icon” and “data port” be used in construing claim 30.

#### *Other Claims*

The discussion above addresses rejections of all independent claims and of several dependant claims. As regards dependent claims not specifically addressed, these claims should be patentable together with their base claims and intervening claims, if any.

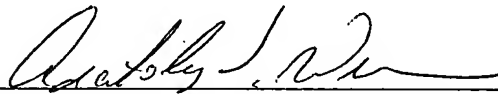
**CONCLUSION**

For the foregoing reasons, Applicants submit that all pending claims are allowable. To discuss any matter pertaining to the instant application, the Examiner is invited to call the undersigned attorney at (858) 720-9431.

Having made an effort to bring the application in condition for allowance, a notice to this effect is earnestly solicited.

Respectfully submitted,

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